

WISHA ADVISORY COMMITTEE (WAC)
MEETING MINUTES
September 8, 2010
L&I Headquarters, Room S118/119

Members Present: Anne Soiza, Deputy Assistant Director, Department of Labor & Industries; Randy Loomans, International Union of Operating Engineers Local 302; Ed Wood, Jr., Communication Workers of America Local 7818; David Threedy, Board of Industrial Insurance Appeals; Rebecca Johnson, Washington State Labor Council; and Mike Fallon, PCL Construction Service.

Absent: Sharon Ness, United Staff Nurses Local 141

Guests: Donovan Quebedeaux, BIAW; Gregory Chryst, OSHA; Thelma Swem, City of Bremerton; Erich Smith, Build It Smart; Venetia Runnion, University of Washington FRCG; Mandi Kime, AGC of Washington.

Staff Present: Eric Jalonon, SHARP; Dave Bonauto, SHARP; Dan McMurdie, Standards & Technical Services; Bruce Zeller, Education & Outreach; Tracy Spencer, Standards; John Furman, DOSH Technical Services; Lezlie Perrin, Reassumptions & Audit; Jenifer Jellison, SHIP; Caprice Catalano, SHIP; Maggie Leland, DOSH Administration; and Bonnie Simpson, DOSH Administration.

Recorder: Bonnie Simpson

Opening Remarks – Anne Soiza & Michael Silverstein

- October 1, 2010 we will be trying new methods to identify workplaces for planned inspections and asking for feedback from DOSH staff and others to see if DOSH has improved. More information will be provided at the next WISHA Advisory Committee (WAC) meeting.
- Tesoro Refinery Investigation: Our report will be completed on October 1, 2010. We will have a full discussion at the next WAC Meeting.
- Federal OSHA has made changes to its penalties policies by the way that they calculate the penalty amount. We expect that OSHA will send us a directive that will state that we need to be at least as effective as OSHA. We have not made any changes to our penalty amount until we hear from OSHA. DOSH will have to go through the rule making process to change the amounts because it was written into rule.

SHARP Update: *Dave Bonauto & Eric Jalonon*

- SHARP will be involved in two studies that involve the Bureau of Labor Statistics (BLS) http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5929a1.htm?s_cid=mm5929a1_w
 - Work-Related Injury Surveillance Through Multiple Data Sources. There is a concern of under reporting for the BLS system compared to the Workers' Compensation system. The data collected shows employer-based reporting underestimates occupational injuries to their employer or incomplete employer recording the injuries.

- Capturing workplace injuries and illness through “other” data sources. SHARP is using a pilot on amputations by using hospital discharge paperwork. They are identifying what is considered an amputation and how it is initially recorded by the employer. This study revealed that by using multiple data sources cases of amputations increased and likely additional worksites have amputations, but are not initially recorded as such.
- Young Worker Injuries: The SHARP team is analyzing injury rates for workers from 2005-2007. The analysis compares rates of minors (ages 16-17) and other young workers (ages 18-24) to older workers (ages 25 and older). The analysis does not calculate injury rates for 14 and 15 year olds because employment data to calculate injury rates are not available. Please see link for more information:
<http://www.lni.wa.gov/Safety/Research/OccHealth/YoungWrkrInjuries/default.asp>

Rules Format Project: *Maggie Leland*

- We talked about the proposed project plan at the last WAC meeting. Currently we will be discussing two options for the Rules Project and deciding which option to adopt.
 - Option 1: Reorganization of all current rules into 25 separate chapters under WAC 296-900, organized according to hazard, activity or industry (keeping core rule concept). The benefits would include new organizational structure with Chapter titles that adequately describe the content of the chapter, new organizational structure similar to OSHA’s CFR’s, rules that are difficult to locate may be easier, and global organizational change consistent across all rules with a sustainable structure for the future. Challenges would be creation of new organizational structure requires a significant implementation including: aligning all rule references; updating internal databases; updating website and outreach materials; and communicating to and educating the public on changes.
 - Option 2: Put chapters WAC 296-24 and 296-62 into individual chapters under 296-800 or into existing chapters as appropriate, all other standards stay in current number series. The benefits would be it eliminates the inconsistent grouping of some hazard related standards under general categories when other hazard related standards are contained in standalone chapters; rules that were difficult to locate may be easier to locate within each chapter; and smaller number of rules being reorganized limits the implementation planning needed. Challenges are it does not address the fact most chapters in the 800 series are not currently in any logical order. New chapters would have to be put where they fit best; Chapter numbering remains inconsistent with some chapters under old numbering system and some in the 800 series; and doesn’t provide a global fix leaving the possibility of future renumbering.
- The committee will move forward with option 1. The next step of the project will be pulling together the stakeholders and the taskforce. After we organize the two groups we will begin prioritizing the list of rules.
 - Volunteers: Mike Fallon, Claude Golden, and Rebecca Johnson.

Prioritization Project: *Maggie Leland*

- The committee was provided with information in anticipation of the September 8th meeting: Prevention Index of the top ten industries; NAICS code summary for the top ten industries on Prevention Index by NAICS code; 2004-2009 Top Ten violations cited for top ten industries on Prevention Index by NAICS code; Fatality Inspections 2008-2010 for top ten industries on Prevention Index by NAICS code; 2009 total number of

employers, FTEs and workplace locations for top ten industries on Prevention Index by NAICS code; and 2009 Risk Class. The committee was asked to provide input on the following questions:

- When looking at the data are there industry sectors where the DOSH resources are sent appear to be appropriate? Or disproportionately small?
- Based on the information provided so far, what advice do you have on how DOSH should focus its efforts?
- If you could narrow the list of industry sectors to those that need the most attention from DOSH what would they be?
- Committee would like to see the NAICS code drilled down to the 6 digit code to help determine ranking and fatalities per industry.
- Make sure that the industry comparisons are equal/fair whether the industry is self-insured or not.
- Marry Compliance and Outreach together. This may help drop the injury and fatality rate.
- Drill down method using the 6 digit NAICS could be helpful in targeting and narrowing your focus.
- The initiative that took place with agriculture a few years ago is a model that may be helpful for targeting.
- Contrast of the results of the inspections versus the injuries that are occurring.
- What are the injuries, where are they occurring, what trades, which subsectors of the industries, and how are we deploying the resources in DOSH?

Accident Prevention Program (APP): *Maggie Leland*

- Next Steps: Members of the WISHA Advisory Committee are needed to volunteer for this project. **Volunteers to date: Mike Fallon, Ed Wood, and Donovan Quebedeaux.**
- Filing of Pre-Proposed Statement of Inquiry CR-101 with the Code Reviser in September or October 2010. (Note: CR 101 was filed in 2008 so a new one will not be filed).
- Announcements and solicitations for other external stakeholders will be conducted in September or October 2010.
- Tentative kick off meeting of taskforce in October or November 2010.

Next Meeting - All

The meeting of the WAC will be:

Date: December 16, 2010

Time: 9:00 a.m. to noon

Location: L&I Headquarters, Room S117

Proposed Agenda items (so far) for December 2010:

- Presentation of Tesoro Inspection.
- Planned Scheduled Inspection update
- Rules Update
- Two Sector Drill Down on Prioritization Project
- APP Update

Action Items -

Maggie	Review NAICS codes 2381-Foundation, Structure and Building Exterior Contractors and 4841 General Freight Trucking for inspections and injury rates.
Anne	Young Workers in Construction Work Restrictions

With no other business to discuss, the meeting was adjourned.

Many individuals are sensitive to fragrances, colognes, scented lotions, etc. Please be courteous of respiratory sensitivities and do not wear fragrances to WISHA Advisory Committee meetings. Thank you.